

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ALEKSANDRA SACHOWICZ, State Bar No. 169597  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-7336  
5 Facsimile: (213) 897-9395  
6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 1D 2002 62945

11 PHILIP THOMAS FREEMAN  
12 31421 Avenida Del Yermo  
Cathedral City, CA 92234

**DEFAULT DECISION**  
**AND ORDER**

13 Physical Therapist License No. PT 20054

[Gov. Code, §11520]

14 Respondent.  
15

16 FINDINGS OF FACT

17 1. On or about November 6, 2002, Complainant Steven K. Hartzell, in his  
18 official capacity as the Executive Officer of the Physical Therapy Board of California,  
19 Department of Consumer Affairs, filed Accusation No. 1D 2002 62945 against Philip Thomas  
20 Freeman (“Respondent”) before the Physical Therapy Board of California.

21 2. On or about September 9, 1994, the Physical Therapy Board of California  
22 (Board) issued Physical Therapist License Number PT 20054 to Respondent. The Physical  
23 Therapist License was in full force and effect at all times relevant to the charges brought herein  
24 and will expire on November 30, 2003, unless renewed.

25 3. On or about November 6, 2002, Elsa Ybarra, an employee of the  
26 Complainant Agency, served by Certified Mail a copy of Accusation No. 1D 2002 62945,  
27 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code  
28 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which

1 was and is 31421 Avenida Del Yermo, Cathedral City, CA 92234. A copy of the Accusation,  
2 the related documents, and Declaration of Service are attached as Exhibit A, and are incorporated  
3 herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the  
5 provisions of Government Code section 11505, subdivision (c).

6 5. Government Code section 11506, subdivision (c) states, in pertinent part:

7 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
8 files a notice of defense, and the notice shall be deemed a specific denial of all parts of  
9 the accusation not expressly admitted. Failure to file a notice of defense shall constitute a  
10 waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless  
11 grant a hearing."

12 6. Respondent failed to file a Notice of Defense within 15 days after service  
13 upon him of the Accusation, or at anytime to date, and he therefore waived his right to a hearing  
14 on the merits of Accusation No. 1D 2002 62945.

15 7. California Government Code section 11520, subdivision (a) states, in  
16 pertinent part:

17 "(a) If the respondent either fails to file a notice of defense or to appear at the  
18 hearing, the agency may take action based upon the respondent's express admissions or  
19 upon other evidence and affidavits may be used as evidence without any notice to  
20 respondent."

21 8. Pursuant to its authority under Government Code section 11520, the Board  
22 finds Respondent is in default. The Board will take action without further hearing and, based on  
23 Respondent's express admissions by way of default and the evidence before it, contained in  
24 exhibits A, B and C, finds that the allegations in Accusation No. 1D 2002 62945 are true.

25 DETERMINATION OF ISSUES

26 1. Based on the foregoing findings of fact, Respondent has subjected his  
27 Physical Therapist License Number PT 20054 to discipline.

28 2. Copies of the Accusation, the related documents served on Respondent,

1 and Declaration of Service are attached.

2 3. The agency has jurisdiction to adjudicate this case by default.

3 4. The Physical Therapy Board of California is authorized to revoke  
4 Respondent's Physical Therapist License Number PT 20054 based upon the following violations  
5 alleged in the Accusation:

6 a. Conviction of a felony, i.e. possession of a controlled substance,  
7 methamphetamine, in violation of Health and Safety Code section  
8 11277, subdivision (a).

9 b. Violation of section 11379 of the Health and Safety Code,  
10 regulating controlled substances.

11 c. Self-use of methamphetamine, a controlled substance.

12 ORDER

13 IT IS ORDERED that Physical Therapist License Number PT 20054, heretofore  
14 issued to Respondent Philip Thomas Freeman, is revoked.

15 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
16 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
17 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
18 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
19 statute.

20 This Decision shall become effective on February 24, 2003.

21  
22 It is so ORDERED January 24, 2003.

23  
24  
25 Original Signed By: Ellen Wilson, PT, President  
26 FOR THE PHYSICAL THERAPY BOARD OF  
27 CALIFORNIA  
28 DEPARTMENT OF CONSUMER AFFAIRS

1 Attachments:

2 Exhibit A: Accusation No.1D 2002 62945, Related Documents, and Declaration of Service

3 Exhibit B: Postal Certified Mail Documentation

4 Exhibit C: Certification of Costs; Declaration of Aleksandra Sachowicz

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Exhibit A

Accusation No. 1D 2002 62945,  
Related Documents and Declaration of Service

Exhibit B

Postal Certified Mail Documentation

## Exhibit C

### Certification of Costs

